

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

JOHNNY WEBB MILLER,

Plaintiff,

v.

Civil Action No. **3:22CV618**

UNKNOWN,

Defendant.


MEMORANDUM OPINION

Plaintiff, a Virginia inmate proceeding *pro se*, submitted a letter requesting the Court to send him a form for filing a 42 U.S.C. § 1983 complaint. (ECF No. 1.) By Memorandum Order entered on September 23, 2022, the Court sent a § 1983 complaint form to Plaintiff and instructed that if Plaintiff wished to file a complaint at this time, he should complete and return the form to the Court within fourteen (14) days of the date of entry hereof. The Court noted that if Plaintiff failed to take any action within that time, the Court would dismiss the action without prejudice. *See* Fed. R. Civ. P. 41(b).

On October 11, 2022, the Court received a letter from Plaintiff indicating that he needed an extension. (ECF No. 3.) By Memorandum Order entered on October 31, 2022, the Court granted Plaintiff an extension of fifteen (15) days from the date of entry thereof to complete and return the § 1983 form. More than fifteen (15) days have elapsed, and Plaintiff has not completed and returned the § 1983 complaint form. Accordingly, this action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Final Order shall issue.

Date: November 29, 2022
Richmond, Virginia

/s/ 
Roderick C. Young
United States District Judge